



LINDA S. ADAMS
SECRETARY FOR ENVIRONMENTAL
PROTECTION

Board Meeting
March 13, 2007

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Agenda Item 1
Attachment 1



ARNOLD SCHWARZENEGGI
GOVERNOR

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November 3, 2006

Kathy Simmons
Integrated Waste Coordinator
City of Downey
PO Box 7016
Downey, CA 90241-7016

RE: City of Downey's Biennial Review Status Update

Dear Ms. Simmons:

Thank you for meeting with Ed Reidhead and myself on October 26, 2006 to discuss the City of Downey's (City) 2003/2004 Biennial Review. At our meeting we able to visit the Downey Area Recycling and Transfer Station to observe how materials are currently processed. We also discussed some of the City's other programs and what additional efforts might be needed to improve the City's ability to achieve diversion requirements.

Board staff commends the City for its work in negotiating new services and passing the Construction and Demolition Recycling Policy. As we discussed, we feel that additional program development is warranted in the following areas:

- Commercial diversion
- Expanded outreach, education and enforcement to increase participation and compliance with the City's new Construction and Demolition Policy.

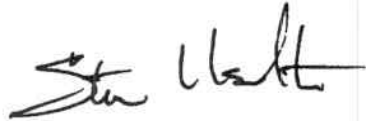
The City's 2004 preliminary diversion rate is 44 percent. The purpose of this letter is to formally notify the City that Board staff's review of the City's progress indicates the need for the Board to consider, at a public hearing, issuance of a Compliance Order for not implementing all reasonable and feasible diversion programs needed to achieve diversion requirements.



Please note that this letter serves not only to address our concerns with the City's program gaps, but to also initiate the 60-day conferring process for a Compliance Order.

If you have any questions about this letter or the compliance order process, please contact me at (562) 981-9095.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Uselton". The signature is fluid and cursive, with the first name "Steve" written in a larger, more prominent script than the last name "Uselton".

Steve Uselton, Supervisor
Los Angeles Local Assistance Section



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January 29, 2007

The Honorable Mayor Rick Trejo
Downey City Hall
11111 Brookshire Avenue
Downey, CA 90241

RE: 30-Day Notice of Intent to Issue the City of Downey a Compliance Order for Failure to Adequately Implement its Source Reduction and Recycling Element and/or Household Hazardous Waste Element and Meet the Fifty Percent Diversion Requirement

Dear Mayor Trejo:

The purpose of this letter is to formally notify the City of Downey (City) that Board staff's review of the City's progress indicates the need for the Board to consider, at a public meeting, issuance of a Compliance Order. Failure to meet Compliance Order requirements may result in civil penalties of up to \$10,000.00 per day.

California Integrated Waste Management Board (Board) staff has conducted a 2003/2004 Biennial Review of the City's Source Reduction and Recycling Element (SRRE) program implementation to-date and diversion rate achieved. Board staff is bringing forward its 2003/2004 Biennial Review findings that the City has failed to adequately implement its diversion programs. The City has implemented SRRE selected diversion programs but implemented programs are not providing sufficient reductions in disposal to enable the City to achieve the 50 percent diversion requirement of PRC Section 41780. The City's 2003 and 2004 diversion rates are 43 and 44 percent, respectively. Board staff therefore recommends the Board consider issuing the City a compliance order that will require the City to work directly with Board staff to develop a Local Assistance Plan (LAP) that will identify a strategy for program enhancements and local actions necessary to enable the City to achieve diversion requirements.

Board staff met with City representatives on October 26, 2006 to discuss the City's 2003/2004 Biennial Review. At our meeting we were able to visit the



processing facility that handles a majority of waste collected by the City's franchise hauler and to observe how materials are currently processed. We also discussed some of the City's other programs and what additional efforts might be needed to improve the City's ability to achieve diversion requirements.

The following program gaps may be impairing the City's ability to achieve diversion requirements:

- Commercial diversion.
- Expanded outreach, education and enforcement to increase participation and compliance with the City's new Construction and Demolition (C&D) policy.

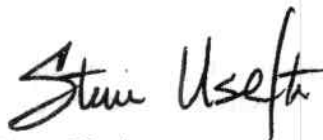
It is strongly recommended that you or your City's representative attend the Board's Permitting and Compliance Committee Meeting to present your jurisdiction's program implementation efforts, diversion rate achievement and any special circumstances you would like the Board to consider and answer any questions from the Board.

CIWMB Permitting and Compliance Committee Meeting

Date: March 5, 2007
Time: 10:00 A.M.
Location: Joe Serna Jr., CalEPA Building
Coastal Hearing Room
1001 I Street, 2nd Floor
Sacramento, CA 95814

Should you have any questions about this letter, or the upcoming committee meeting, please contact Steve Uselton at the Board's Office of Local Assistance at (562) 981-9095.

Respectfully,



Steve Uselton,
State and Local Assistance Branch

cc: Kathy Simmons